

## NAYS—39

Blackburn	Hagerty	Ricketts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Britt	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Lankford	Scott (FL)
Cornyn	Lee	Scott (SC)
Cotton	Lummis	Sullivan
Cramer	Marshall	Thune
Cruz	McConnell	Tuberville
Daines	Moran	Vance
Ernst	Mullin	Wicker
Fischer	Paul	Young

## NOT VOTING—9

Barrasso	Feinstein	Risch
Budd	Fetterman	Sanders
Crapo	Merkley	Tillis

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 52, the nays are 39, and the motion is agreed to.

The motion was agreed to.  
The Senator from Minnesota.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Ms. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-18, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$506 million. We will issue a news release to notify the public

of this proposed sale upon delivery of this letter to your office.

Sincerely,

MIKE MILLER

(For James A. Hursch, Director).

Enclosures.

TRANSMITTAL NO. 23-18

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:

Major Defense Equipment\* \$302 million.

Other \$204 million.

Total \$506 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): Up to sixty-three (63) Advanced Anti-Radiation Guided Missiles-Extended Range (AARGM-ERs).

Up to twenty (20) AARGM-ER Captive Air Training Missiles (CATMs).

Non-MDE: Also included are AGM-88G Advanced Anti-Radiation Guided Missile-Extended Range Dummy Air Training Missiles (AARGM-ER DATMs), containers, component parts and support equipment; Repair of Repairables; software (Classified and Unclassified); publications (Classified and Unclassified); training (Classified and Unclassified); transportation; U.S. Government and contractor engineering support; and other related elements of logistical and program support.

(iv) Military Department: Navy (AT-P-ASA).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 27, 2023.

\*As defined in Section 47(6) of the Arms Export Control Act.

## POLICY JUSTIFICATION

Australia—Advanced Anti-Radiation Guided Missiles-Extended Range (AARGM-ER)

The Government of Australia has requested to buy up to sixty-three (63) Advanced Anti-Radiation Guided Missiles-Extended Range (AARGM-ERs); and up to twenty (20) AARGM-ER Captive Air Training Missiles (CATMs). Also included are AGM-88G Advanced Anti-Radiation Guided Missile-Extended Range Dummy Air Training Missiles (AARGM-ER DATMs), containers, component parts and support equipment; Repair of Repairables; software (Classified and Unclassified); publications (Classified and Unclassified); training (Classified and Unclassified); transportation; U.S. Government and Contractor engineering support; and other related elements of logistical and program support. The estimated total cost is \$506 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Australia's capability to meet current and future threats by suppressing and destroying land or sea-based radar emitters associated with enemy air defenses. This capability denies

the adversary the use of its air defense systems, thereby improving the survivability of Australia's tactical aircraft. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime U.S. contractor will be the Javelin Joint Venture between Lockheed Martin in Orlando, FL and Raytheon Missiles and Defense in Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require U.S. Government personnel and U.S. Contractor representatives to visit Australia on a temporary basis in conjunction with program technical oversight and support requirements, including program and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 23-18

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AGM-88G Advanced Anti-Radiation Guided Missile-Extended Range (AARGM-ER) weapon system is an air-to-ground missile intended for Suppression of Enemy Air Defenses (SEAD) and Destruction of Enemy Air Defenses (DEAD) missions. The AARGM-ER provides suppression or destruction of enemy RADAR and denies the enemy the use of air defense systems, thereby improving the survivability of our tactical aircraft. The AGM-88G AARGM-ER Captive Air Training Missiles (CATM) is used by pilots when training for SEAD/DEAD missions.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Australia.

## ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed

in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. ROBERT MENENDEZ,  
*Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 23-0E. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 17-77 of February 5, 2018.

Sincerely,

MIKE MILLER  
(For James A. Hursch, Director).

Enclosure.

TRANSMITTAL NO. 23-0E

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Purchaser: Government of Finland.  
(ii) Sec. 36(b)(1), AECA Transmittal No.: 17-77; Date: February 5, 2018; Military Department: Navy.

(iii) Description: On February 5, 2018, Congress was notified by Congressional certification transmittal number 17-77 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of sixty-eight (68) Evolved SEASPARROW Missiles (ESSM) and one (1) ESSM inert operational missile. Also included were seventeen (17) MK25 quad pack canisters, eight (8) MK783 shipping containers, spare and repair parts, support and test equipment, publications and technical documentation, training, U.S. Government/Contractor engineering, technical and logistics support services and technical assistance, and other related elements of logistical support. The estimated total cost was \$112.7 million. Major Defense Equipment (MDE) constituted \$92.6 million of this total.

This transmittal notifies the inclusion of the following MDE items: eighty-four (84) RIM-162J Evolved SEASPARROW Missiles (ESSM), Block 2; to replace the previously notified sixty-eight (68) ESSMs. Also included are MK25 quad pack canisters and MK852 shipping containers. The addition of these items will result in a net increase in MDE value of \$81.4 million, resulting in a revised MDE value of \$174 million. The non-MDE estimated value will increase from \$20.1 million to \$28.9 million. The total estimated case value will increase by \$90.2 million to \$202.9 million.

(iv) Significance: The inclusion of this MDE represents an increase in capability over the Block 1 ESSMs previously notified. Finland intends to use the missiles on its new Squadron 2020 class Corvette ships. The missiles will provide enhanced capabilities in effective defense of critical sea lanes and improve Finland's capability to meet current and future enemy anti-ship weapon threats. Finland previously requested ESSM Block 1s, but cancelled the procurement to await the Block 2s.

(v) Justification: This proposed sale will support the foreign policy and national security of the United States by improving the security of a trusted partner which is an important force for political stability and economic progress in Europe. It is vital to the

U.S. national interest to assist Finland in developing and maintaining a strong and ready self-defense capability.

(vi) Sensitivity of Technology: The RIM-162J ESSM Block 2 is an upgrade to the Block 1, which is a kinematic upgrade to the RIM-7P SEASPARROW Missile that leverages U.S. guidance technology. ESSM Block 1 is a medium-range, semi-active homing missile that makes flight corrections via radar and midcourse data uplinks. The guidance system is semi-active on continuous wave or interrupted continuous wave illumination. The missile provides reliable ship self-defense capability against agile, high-speed, low-altitude anti-ship cruise missiles (ASCMs) and low velocity air threats (LVATs) such as helicopters and high-speed, maneuverable surface threats. The ESSM Block 2 utilizes the same propulsion section and increases the diameter of the guidance section to 10-inches. The new guidance section utilizes a dual seeker head that employs semi-active and active guidance.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) Date Report Delivered to Congress: February 27, 2023.

#### ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. ROBERT MENENDEZ,  
*Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 0A-23. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 21-30 of March 16, 2021.

Sincerely,

MIKE MILLER  
(For James A. Hursch, Director).

Enclosures.

TRANSMITTAL NO. 0A-23

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(A), AECA)

(i) Purchaser: Government of Norway.  
(ii) Sec. 36(b)(1), AECA Transmittal No.: 21-30; Date: March 16, 2021; Military Department: Army.

(iii) Description: On March 16, 2021, Congress was notified by Congressional certification transmittal number 21-30, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of one hundred twenty (120) Javelin FGM-148 Missiles; and two (2) Javelin FGM-148 Missiles Fly-to-Buy. Also included were twenty-four (24) Javelin Block 1 Command Launch Units (CLUs) retrofit kits; spare parts; publications and technical documentation; personnel training; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The estimated total cost was \$36 million. Major Defense Equipment (MDE) constituted \$30 million of this total.

This transmittal reports the inclusion of the following additional MDE items: forty (40) Javelin FGM-148 missiles; and two (2) Javelin FGM-148 Fly-to-Buy missiles. The estimated total value of the added items is \$8 million. The total estimated MDE value will increase by \$8 million to \$38 million, resulting in an estimated total case value of \$44 million.

(iv) Significance: This proposed sale will support both Norway's defensive operations as well as NATO-led operations. The anti-tank defense capability is critical for Norway's national security and for its role in securing NATO's northern flank. The Norwegian Armed Forces intends to use the requested armaments to upgrade and increase its current inventory of anti-tank missiles.

(v) Justification: This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO ally that is an important force for political stability and economic progress in Europe.

(vi) Sensitivity of Technology: The Sensitivity of Technology statement contained in the original notification applies to items reported here.

(vii) Date Report Delivered to Congress: February 27, 2023.

#### ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

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There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. ROBERT MENENDEZ,  
*Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as